

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 UNITED STATES OF AMERICA,

Case No. 2:15-cr-14-APG-VCF

5 Plaintiff,

**ORDER OVERRULING OBJECTION  
AND AFFIRMING RESTRAINT ORDER**

6 v.

(ECF No. 352)

7 OMAR QAZI,

8 Defendant.

9 On June 21, 2017, Magistrate Judge Ferenbach entered a Restraint Order as to defendant  
10 Omar Qazi. ECF No. 345. Mr. Qazi objects to that order. ECF No. 352.

11 A magistrate judge may make the pretrial determination of whether a prisoner should be  
12 restrained. *See* 28 U.S.C. § 636(b)(1)(A); L.R. IB 1-3. I review such a determination under a  
13 “clearly erroneous or contrary to law” standard. 28 U.S.C. § 636(b)(1)(A); L.R. IB 3-1.

14 Under the Ninth Circuit’s recent ruling in *United States v. Sanchez-Gomez*, before a  
15 defendant may be shackled, “the court must make an individualized decision that a compelling  
16 government purpose would be served and that shackles are the least restrictive means for  
17 maintaining security and order in the courtroom.” 859 F.3d 649, 661 (9th Cir. 2017). Judge  
18 Ferenbach made an individualized determination—based on Mr. Qazi’s history and behavior in  
19 court—that shackling was the least restrictive means to avoid danger to hearing participants and  
20 the public. My own experiences with Mr. Qazi confirm this finding, and I do not find it to be  
21 clearly erroneous or contrary to law. Therefore, Mr. Qazi’s objections are overruled and the  
22 restraint order will remain in place for now. I will consider modifying the order (with regard to  
23 appearances in my courtroom) in the future depending on Mr. Qazi’s behavior moving forward.

24 IT IS HEREBY ORDERED that the Objection to the Restraint Order (ECF No. 352) is  
25 **OVERRULED**, and Magistrate Judge Ferenbach’s order (ECF No. 345) is **AFFIRMED**.

26 Dated: November 3, 2017.

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28 ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE